

REMARKS

Claims 1-16 are pending in this application. By this amendment, Applicant has amended claims 1, 7, 11 and 16, cancelled claims 8 and 15 without prejudice or disclaimer and added claims 17-20.

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections Under 35 U.S.C. §§102/103:

Claims 1, 4-6, 11, 14 and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,666,661 to Grube et al. (“Grube”).

Claims 2, 8, 9, 12 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grube in view of US2002/0059434 to Karaoguz et al. (“Karaoguz”).

Claims 3 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grube in view of U.S. Patent No. 5,822,682 to Schroderus et al. (“Schroderus”).

Claims 7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grube.

Claims 1, 11 and 16 are drafted in independent form.

Claim 11 has been amended to recite that communication via a network is carried out using a first communications module (e.g., the UMTS speech channel module 20) and a second communications module (e.g., a Bluetooth module 90, a WLAN module 21) for communicating in a direct mode. The claim, as amended, also specifies that the first and second channels are of different channel types, which amendment is supported for instance by original claim 15. The amendment to specify the first and second communications modules is supported by, e.g., Figure 1 of the application. Although the

specification does not explicitly specify that a different communications module is used when the transceiver switches to direct mode communication, this clearly is implicit in the application as originally filed, particularly having regard to page 4, lines 13 to 27, and claims 2 and 12. The claim further is amended to insert the word "radio" before "transceiver" in the determiner feature. Claims 1 and 16 have been amended similarly to claim 11. Applicant also takes this opportunity to note that the claims, as amended, are substantially the same as claims granted in the corresponding European and Korean applications.

Turning to the prior art rejections, in Grube, communication can be switched from a system mode to a direct mode when it is determined that the distance relationship between the units involved in the communication is favorable with respect of a predetermined threshold. It seems that in Grube, direct mode communication is made according to the same protocols as in system mode communication. In this respect, it is noted that Grube does not disclose that the communication units have communication modules or transceivers other than those necessary for communicating with base stations. Thus, the only possible explanation for this is that direct mode communication is carried out using the same protocols as are used in system mode communication.

Applicant's invention, as defined by amended claim 1, is distinguished from Grube at least in that two different communications modules, each associated with a different channel type, are used depending on the mode of communication. This gives rise to many advantages, some of which are discussed at page 4, lines 13 to 27 of the instant application.

Furthermore, Applicant respectfully submits that nothing in the prior art of record would have pointed a person of ordinary skill in the art at the relevant time to modify Grube to arrive at the subject matter of amended claim 1. As such, Applicant respectfully contends that claim 1, as amended, defines a patentable invention having regard to the disclosure of Grube either alone or in combination with any of the other prior art references of record. Claims 11 and 15, as amended, are respectfully asserted to be inventive over Grube for at least the same reasons as set forth above in urging the allowance of amended claim 1.

Dependent Claims:

Applicant does not believe it necessary at this time to address the rejections of the dependent claims as Applicant believes that the foregoing places the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

New Claims:

Applicant has added new independent claim 17, which is a means-plus-function counterpart to amended claim 11. Applicant respectfully submits that claim 17 is allowable for at least the same reasons as set forth above in urging the allowance of claim 11. Applicant also added new claims 18-20, which depend from new claim 17 and correspond to claims 12-14.

CONCLUSION

Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

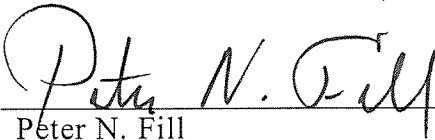
The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4232.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4232.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: November 1, 2007

By:


Peter N. Fill

Registration No. 38,876

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile